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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,167	03/31/2004	Philip Mattos	851963.417	7143

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EXAMINER	
BURD, KEVIN MICHAEL	

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
12/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/815,167	MATTOS, PHILIP	
	Examiner	Art Unit	
	Kevin M. Burd	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This office action, in response to the remarks filed 8/6/2008, is a final office action.

Response to Arguments

2. Applicant's arguments filed 8/6/2008 have been fully considered but they are not persuasive.

First, Jung discloses the positions of the peaks are compared. Jung discloses the determination of the largest correlation peaks as shown in figure 6. The largest peaks are compared to their corresponding peaks in different time periods. These peak positions are used to determine the largest peak to be used to acquire the signal. In addition, the correlation peaks are distinguished from noise and from additional correlation peaks as shown in figure 6.

Second, Jung discloses the correlation peaks A, B and C are found in first and second (and additional) time periods. These peaks separated by time are shown in figure 6. Determining the correlation peaks in each time period and comparing the peak values is described in column 8, lines 34-67.

Third, Jung discloses the receiver 12 in figure 3. The reference oscillator 26 controls all the components of the receiver. Therefore, the same master clock is used to carry out the functions of each of the components.

For these reasons and the reasons stated in the previous office action, the rejections of the claims are maintained and stated below.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Great Britain on 3/31/2003. It is noted, however, that applicant has not filed a certified copy of the 0307442.4 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Jung (US 7,161,977).

Regarding claims 1, 11 and 24, Jung discloses a GPS receiver (figure 3) having a ratio based signal acquisition method (abstract). The GPS signal is received and downconverted using a reference oscillator 26. The downconverted signal is digitized in digitizer 28. The method determines first correlation values at code phases for a first period of the DSSS signal (column 8, lines 34-37). Second correlation values at code phases for a second period of the DSSS signal are determined (column 8, lines 58-61). Peak values for the first and second correlation values are determined and tentative acquisition is made when the peak correlation values from the first and second time

periods match (column 8, lines 66-67). The time periods and peak values are shown in figure 6.

Regarding claims 2-4, 25 and 26, a correlation peak shown in figure 6 will be N times the mean correlation amplitude, where N is in the approximate range of 2 to 4.

Regarding claim 5-7, a correlation peak is the largest peak selected and the signal is at the same frequency for each of the correlation results (figure 3).

Regarding claims 8-10, Jung discloses the first time period is selected to be one 10 millisecond accumulation time period and the second time period is selected to be ten 10 millisecond accumulation time period (column 6, lines 51-58).

Regarding claims 12 and 18-20, Jung discloses a GPS receiver (figure 3) having a ratio based signal acquisition method (abstract). The GPS receiver receives a signal and downconverts the signal using a reference oscillator 26. The downconverted signal is digitized in digitizer 28. The receiver determines first correlation values at code phases for a first period of the DSSS signal (column 8, lines 34-37). Second correlation values at code phases for a second period of the DSSS signal are determined (column 8, lines 58-61). Peak values for the first and second correlation values are determined and tentative acquisition is made when the peak correlation values from the first and second time periods match (column 8, lines 66-67). The time periods and peak values are shown in figure 6.

Regarding claims 13-15, Jung discloses the first time period is selected to be one 10 millisecond accumulation time period and the second time period is selected to be ten 10 millisecond accumulation time period (column 6, lines 51-58).

Regarding claims 16, 17, 21 and 22, a correlation peak shown in figure 6 will be N times the mean correlation amplitude, where N is in the approximate range of 2 to 4.

Regarding claim 23, Jung discloses the first time period is selected to be one 10 millisecond accumulation time period and the second time period is selected to be ten 10 millisecond accumulation time period (column 6, lines 51-58).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Payne can be reached on (571) 272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M. Burd/
Primary Examiner, Art Unit 2611
11/22/2008